

## TENTH DAY.

(Friday, April 27, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Kemble.
Amsler.	Lackey.
Arnold.	Laird.
Atkinson.	Lane.
Avis.	LeMaster.
Baker of Milam.	Lewis.
Baker of Orange.	Loftin.
Barker.	Looney.
Barrett.	McDaniel.
Beasley.	McDonald.
Bell.	McFarlane.
Bonham.	McNatt.
Bryant.	Martin.
Burmeister.	Mathes.
Cable.	Maxwell.
Carpenter	Melson.
of Dallas.	Merritt.
Carpenter	Miller.
of Matagorda.	Montgomery.
Carson.	Moore.
Carter of Hays.	Morgan
Chitwood.	of Liberty.
Coffee.	Morgan
Collins.	of Robertson.
Covey.	Pate.
Cowen.	Patman.
Crawford.	Patterson.
Davis.	Perdue.
DeBerry.	Pinkston.
Dinkle.	Pool.
Dodd.	Pope.
Downs.	Potter.
Driggers.	Price.
Duffey.	Purl.
Dunlap.	Quaid.
Dunn.	Quinn.
Durham.	Rice.
Edwards.	Robinson.
Fields.	Rountree.
Finlay.	Rowland.
Fugler.	Russell
Gipson.	of Callahan.
Greer.	Russell of Trinity.
Hardin of Erath.	Sackett.
Harrington.	Sanford.
Harris.	Satterwhite.
Henderson	Shearer.
of Marion.	Shires.
Henderson	Simpson.
of McLennan.	Smith.
Hendricks.	Sparkman.
Houston.	Stell.
Howeth.	Stevens.
Jacks.	Stewart
Jennings.	of Edwards.
Johnson.	Stewart of Jasper.
Jones.	Stewart of Reeves.

Stiernberg.  
Stroder.  
Sweet.  
Teer.  
Thrasher.  
Vaughan.  
Wallace.

Wells.  
Westbrook.  
Wessels.  
Wilmans.  
Wilson.  
Winfree.  
Young.

Absent.

Davenport.

Green.

Absent—Excused.

Baldwin.  
Bird.  
Blount.  
Bobbitt.  
Carter of Coke.  
Culp.  
Dielmann.  
Faubion.  
Frnka.  
Hardin  
of Kaufman.  
Hughes.  
Hull.

Irwin.  
Lamb.  
LeSturgeon.  
Lusk.  
McBride.  
McKean.  
Merriman.  
Rogers.  
Storey.  
Strickland.  
Thompson.  
Turner.  
Williamson.

A quorum was announced present.

Prayer was offered by Rev. J. B. Ingle, Chaplain of the American Legion.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Turner for today, on motion of Mr. Shearer.

Mr. Faubion for today, on motion of Mr. Teer.

Mr. LeSturgeon for today, on motion of Mr. Stroder.

Mr. Hardin of Kaufman for today, on motion of Mr. Collins.

Mr. Lamb for today and indefinitely, on motion of Mr. Russell of Trinity.

Mr. Irwin for today, on motion of Mr. Carpenter of Dallas.

Mr. McKean for today, on motion of Mr. Carter of Hays.

Mr. Dielmann for Tuesday, Wednesday, Thursday and Friday of this week, on motion of Mr. Young.

Mr. Williamson for today, on motion of Mr. Burmeister.

Mr. Hull for today, on motion of Mr. Jacks.

The following member was granted leave of absence on account of sickness:

Mr. Rogers for today, on motion of Mr. Burmeister.

The following members were granted

leaves of absence on account of important committee work:

Messrs. Bonham, Baldwin, Henderson of Marion, Laird and Price for yesterday and today, on motion of Mr. Rountree.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

By Mr. Hardin of Kaufman:

H. B. No. 82, A bill to be entitled "An Act repealing the appropriation made in an act passed at the Regular Session of the Thirty-eighth Legislature, being Senate bill No. 103, establishing the Texas Technological College; repealing Section 8 of said act with all of the subdivisions of said Section 8, and declaring an emergency."

Referred to Committee on Education.

By Mr. Montgomery:

H. B. No. 83, A bill to be entitled "An Act creating, establishing, incorporating Common School District No. 17 in Hidalgo county, Texas, containing a portion of the territory in Hidalgo county, Texas, heretofore embraced in Common School District No. 15; describing the metes and bounds thereof; placing said Common School District No. 17 under the jurisdiction of Hidalgo county; providing for the selection of a board of trustees by the Hidalgo county board of trustees, to hold office until the next regular election, and providing for the election of trustees thereafter: vesting said district and board of trustees with all the school affairs therein as conferred and imposed by general laws upon common school districts and boards of trustees thereof, organized under the general laws of Texas; vesting the school property situated in said Common School District No. 17 and all uncollected taxes, claims and causes of action, legally or equitably belonging to Common School District No. 15 within the territory embraced herein and validating and confirming same in Common School District No. 17; providing for the assumption by Common School District No. 17 of its pro rata share based upon the value that the lands herein embraced now bear to the aggregate value of all lands formerly comprising Common School District No. 15, of certain bonded indebtedness existing against

said Common School District No. 15; providing that the enactment of this law shall not invalidate any local school taxes heretofore voted and now in force in the territory herein incorporated, and ratifying, confirming and adopting as valid and subsisting against this district any such taxes; repealing all laws in conflict herewith; making this act cumulative of the general laws of the State of Texas, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Cable:

H. B. No. 84, A bill to be entitled "An Act to amend Articles 3086 and 3095 of Chapter 10, Title 49, of the Revised Statutes of Texas, relating to primary elections; to prescribe the form of the ballot to be used at such elections, the manner of counting the votes and declaring the result of such election, and to repeal Articles 3091 and 3092 of said title and chapter."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Pope:

H. B. No. 85, A bill to be entitled "An Act to amend Article 543 of the Penal Code of this State by omitting all of said article after the words 'hedge contract,' and to add Article 543a, defining a hedge contract; and to amend Article 545 of said Code as to what shall constitute a prima facie case in prosecutions for the violation of law as to dealing in future; and to add Article 545a, defining certain terms used herein; providing certain taxes, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Pope:

H. B. No. 86, A bill to be entitled "An Act to require the payment of interest on certain deposits required from water, light, gas and telephone companies within this State; requiring the making of annual reports; providing penalties for violations hereof; providing certain revenues, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Loftin:

H. B. No. 87, A bill to be entitled "An Act to amend House bill No. 528 of the Local and Special Laws of the

Legislature, Regular Session, creating the Megargel Independent County Line School District so as to add additional territory to the Megargel Independent County Line School District, and giving the board of trustees of that district the authority to increase the area of the district, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Melson, Mr. Pope, Mr. Cable, Mr. Simpson and Mr. Stewart of Edwards:

H. B. No. 88, A bill to be entitled "An Act abolishing the Markets and Warehouse Department and the Weights and Measures Department and conferring all authority, powers, duties, functions, rights and liabilities of the Commissioner of Markets and Warehouses, and of said Markets and Warehouse Department and Weights and Measures Department upon the Commissioner of Agriculture; abolishing the board consisting of the Governor, Commissioner of Agriculture and the Commissioner of Insurance and Banking created by Chapter 5, General Laws of the Second Called Session of the Thirty-third Legislature, and vesting the powers and duties of said board in the Commissioner of Agriculture; conferring the powers and duties of the Commissioner of Insurance and Banking relative to warehouses upon the Commissioner of Agriculture, except such as are conferred by Chapter 3, General Laws, Second Called Session of the Thirty-third Legislature; conferring power and authority upon the Commissioner of Agriculture to administer the provisions of Chapter 5, General Laws, Second Called Session of the Thirty-third Legislature, Chapter 41, General Laws, First Called Session of the Thirty-fifth Legislature, and Chapter 118 of the General Laws, Regular Session, Thirty-sixth Legislature, or so much of said statutes as are in force; transferring the appropriations of the Markets and Warehouse Department and the Weights and Measures Department to the Commissioner of Agriculture; providing that this act shall take effect September 1, 1924, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Melson, Mr. Pope, Mr. Cable, Mr. Simpson and Mr. Stewart of Edwards:

H. B. No. 89, A bill to be entitled "An Act abolishing the Live Stock San-

itary Commission of the State of Texas and the office of each and every member thereof; conferring the authority, duties, powers and functions of said Commissioners and the members thereof upon the Commissioner of Agriculture of the State of Texas; making available to the Commissioner of Agriculture all appropriations made by the Legislature for said Live Stock Sanitary Commission and the members thereof; conferring upon the Commissioner of Agriculture power to dispense with any of the work or employes where to do so would prevent duplication of work or contribute to efficiency and economy, and declaring an emergency."

Referred to Committee on Live Stock and Stock Raising.

By Mr. Pope, Mr. Melson, Mr. Cable and Mr. Simpson:

H. B. No. 90, A bill to be entitled "An Act reapportioning certain authority, powers, and functions as between the Commissioner of Agriculture of the State of Texas and the Agricultural and Mechanical College and its agencies, relative to concentrated feed stuffs, commercial fertilizers, farmers' institutes, forestry protection, management and replacement, protection of honey bees against foul brood and other contagious diseases, and money collected by said Commissioner or college or its agencies; authorizing said Commissioner and college to do any and all work necessary in the performance of their duties and functions; providing for the installation and equipment of a chemical laboratory to make such analyses as may be required, and making an appropriation therefor and for the further administration of this law."

Referred to Committee on Agriculture.

By Mr. Pope and Mr. Melson:

H. B. No. 91, A bill to be entitled "An Act changing the method of managing the business affairs of the State; abolishing the State Board of Control; repealing all laws relating thereto, except as herein specially provided, and reviving any and all laws which now stand repealed by reason of the acts relating to such Board of Control, so as to impose the duties, functions, powers and authority of the Board of Control and its members on the proper officials, boards and agencies; making provisions for performance of certain services now performed by said Board of Control; enacting the necessary pro-

visions to carry out the purpose of the act, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Melson and Mr. Pope:

H. B. No. 92, A bill to be entitled "An Act relative to the fiscal affairs of the State government; providing for regular audits of the books, records and accounts of the State government through the Comptroller's Department and for special audits by the Governor; providing for the biennial budget to be furnished by the Governor and estimates and information to be furnished the Governor for that purpose; providing for careful audit of accounts by Comptroller before issuing warrants; providing against unlawful or fraudulent accounts being paid; requiring all accounts to be sworn to; declaring the rule of construction of appropriation acts as to priority of payment, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Melson and Mr. Pope:

H. B. No. 93, A bill to be entitled "An Act abolishing the Industrial Accident Board, and vesting its powers, duties, functions and authority and those of its members in the State Commissioner of Labor Statistics, and declaring an emergency."

Referred to Committee on Labor.

By Mr. Melson and Mr. Pope:

H. B. No. 94, A bill to be entitled "An Act abolishing the Board of Water Engineers of the State of Texas and the offices of members of said board, and conferring the authority, powers, duties and functions of said board and members upon the State Reclamation Engineer of Texas; making available to the State Reclamation Engineer all appropriations for the Board of Water Engineers, or authorized to be expended by said board or the members thereof, in the performance and exercise of the duties, powers, authority and functions transferred by this act, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Stewart of Reeves and Mr. Bryant:

H. B. No. 95, A bill to be entitled "An Act to define what shall constitute a suit of weight or measure of all commodities purchased or sold by length,

weight or measure; providing for the sale of commodities by State standards of weight or measure; providing for the sale of hay by weight; establishing a standard for bread sold in loaves; providing penalties for the enforcement of this law; repealing certain statutes, and declaring an emergency."

Referred to Committee on Agriculture.

#### BILL RE-REFERRED.

On motion of Mr. Pope, House bill No. 85 was withdrawn from the Committee on Criminal Jurisprudence and referred to the Committee on Revenue and Taxation.

#### INVITING TEXAS CONSERVATORY OF MUSIC TO RENDER CONCERT.

Mr. Simpson offered the following resolution:

Whereas, The band of the Texas Conservatory of Music, consisting of twenty-nine pieces, is one of the premier musical organizations of the entire South; and

Whereas, This band has frequently given public concerts in Austin; be it

Resolved, That the band of the Texas Conservatory of Music, of which Professor Wm. Rudolph is director, be invited to render a concert in the Hall of the House of Representatives at 8:15 o'clock p. m. Friday, May 4, 1923.

The resolution was read second time and was adopted.

#### RELATING TO ADMITTANCE TO FLOOR OF THE HOUSE.

Mr. Mathes offered the following resolution:

Whereas, On the evening of the 26th day of April, 1923, the Ebenezer Choral Club were entertaining the members of the Legislature at the request of said body in accordance with a resolution theretofore adopted; and

Whereas, While said entertainment was in progress, a large body of men, robed, attired and disguised, and holding themselves out to be members of the Ku Klux Klan, invaded the bar of the House of Representatives without the authority or consent of the members or officers of said body; therefore, be it

Resolved by the members of the House of Representatives, That we deplore and condemn such an unauthorized invasion of the bar of the House.

The resolution was read second time.

Mr. Burmeister moved that the resolution be referred to the Committee on Criminal Jurisprudence.

Mr. Quaid moved the previous question on the pending motion and resolution and the motion was duly seconded.

Question recurring on the motion for the previous question, yeas and nays were demanded.

The previous question was ordered by the following vote:

## Yeas—89.

Abney.	McDonald.
Amsler.	McNatt.
Arnold.	Mathes.
Atkinson.	Maxwell.
Baker of Milam.	Melson.
Baker of Orange.	Merritt.
Beasley.	Miller.
Bell.	Montgomery.
Bonham.	Moore.
Burmeister.	Morgan
Carpenter	of Liberty.
of Dallas.	Morgan
Carpenter	of Robertson.
of Matagorda.	Pate.
Carson.	Perdue.
Carter of Hays.	Pinkston.
Chitwood.	Pool.
Coffee.	Potter.
Collins.	Price.
Covey.	Purl.
Cowen.	Quaid.
Crawford.	Quinn.
Davis.	Rice.
DeBerry.	Robinson.
Dodd.	Rountree.
Downs.	Rowland.
Driggers.	Russell
Duffey.	of Callahan.
Dunlap.	Russell of Trinity.
Dunn.	Sackett.
Durham.	Shearer.
Edwards.	Smith.
Fields.	Sparkman.
Fugler.	Stell.
Gipson.	Stevens.
Hardin of Erath.	Stewart
Henderson	of Edwards.
of Marion.	Stewart of Jasper.
Hendricks.	Stroder.
Howeth.	Sweet.
Jacks.	Teer.
Jennings.	Thrasher.
Jones.	Wells.
Kemble.	Westbrook.
Lackey.	Wilmans.
Laird.	Wilson.
Lane.	Winfree.
LeMaster.	Young.
Lewis.	

## Nays—18.

Barker.	Patman.
Cable.	Sanford.
Finlay.	Satterwhite.
Harris.	Simpson.
Houston.	Stewart of Reeves.
Loftin.	Stiernberg.
Looney.	Vaughan.
McDaniel.	Wessels.
Martin.	

Present—Not Voting.

Mr. Speaker.	Pope.
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## Absent.

Avis.	Henderson
Barrett.	of McLennan.
Bryant.	Johnson.
Davenport.	McFarlane.
Dinkle.	Patterson.
Green.	Shires.
Greer.	Thompson.
Harrington.	Wallace.

## Absent—Excused.

Baldwin.	Irwin.
Bird.	Lamb.
Blount.	LeStourgeon.
Bobbitt.	Lusk.
Carter of Coke.	McBride.
Culp.	McKean.
Dielmann.	Merriman.
Faubion.	Rogers.
Frnka.	Storey.
Hardin	Strickland.
of Kaufman.	Turner.
Hughes.	Williamson.
Hull.	

Question then recurring on the motion to refer the resolution to the Committee on Criminal Jurisprudence, yeas and nays were demanded.

The motion to refer prevailed by the following vote:

## Yeas—80.

Abney.	Carson.
Amsler.	Carter of Hays.
Arnold.	Chitwood.
Atkinson.	Coffee.
Baker of Milam.	Collins.
Baker of Orange.	Covey.
Baldwin.	Cowen.
Beasley.	Crawford.
Bell.	Davis.
Bonham.	DeBerry.
Burmeister.	Dodd.
Carpenter	Downs.
of Dallas.	Dunlap.
Carpenter	Dunn.
of Matagorda.	Durham.

Edwards.	Pate.
Fields.	Perdue.
Gipson.	Pinkston.
Greer.	Potter.
Hardin of Erath.	Price.
Henderson	Purl.
of Marion.	Quaid.
Howeth.	Quinn.
Jacks.	Rice.
Jennings.	Robinson.
Jones.	Rountree.
Kemble.	Rowland.
Lackey.	Russell of Trinity.
Laird.	Sackett.
Lane.	Shearer.
LeMaster.	Smith.
Lewis.	Sparkman.
McDonald.	Stewart of Jasper.
McNatt.	Stroder.
Melson.	Sweet.
Merritt.	Teer.
Miller.	Thrasher.
Montgomery.	Wells.
Moore.	Westbrook.
Morgan	Wilmans.
of Liberty.	Winfree.
Morgan	Young.
of Robertson.	

## Nays—26.

Barker.	Pool.
Cable.	Sanford.
Driggers.	Satterwhite.
Fugler.	Simpson.
Harris.	Stell.
Hendricks.	Stevens.
Houston.	Stewart
Johnson.	of Edwards.
Loftin.	Stewart of Reeves.
Looney.	Stiernberg.
McDaniel.	Vaughan.
Martin.	Wessels.
Mathes.	Wilson.
Patman.	

## Present—Not Voting.

Duffey.	Pope.
Finlay.	

## Absent.

Avis.	McFarlane.
Barrett.	Maxwell.
Bryant.	Patterson.
Davenport.	Russell
Dinkle.	of Callahan.
Green.	Shires.
Harrington.	Thompson.
Henderson	Wallace.
of McLennan.	

## Absent—Excused.

Bird.	Culp.
Blount.	Dielmann.
Bobbitt.	Faubion.
Carter of Coke.	Frnka.

Hardin	McBride.
of Kaufman.	McKean.
Hughes.	Merriman.
Hull.	Rogers.
Irwin.	Storey.
Lamb.	Strickland.
LeSturgeon.	Turner.
Lusk.	Williamson.

## INVITING HON. WILLIAM JENNINGS BRYAN TO ADDRESS THE LEGISLATURE.

Mr. McNatt offered the following resolution:

H. C. R. No. 4, Inviting Hon. William Jennings Bryan to address the Legislature:

Whereas, The Hon. William J. Bryan, one of the foremost citizens of the United States, is scheduled to speak in the city of Fort Worth on the 6th or 7th of May; and

Whereas, It is understood that his itinerary can be so arranged as to permit him to address the Legislature on the following day; therefore, be it

Resolved, That the House of Representatives, the Senate concurring, extend to Mr. Bryan an invitation to address the Senate and the House in the Hall of the House of Representatives at 7:30 o'clock p. m., and that the Chief Clerk be authorized to communicate with him and arrange a definite date for such address.

Signed—McNatt, Potter, Kemble.

The resolution was read second time and was adopted.

## EMPLOYEE OF THE HOUSE.

The Speaker announced the appointment of the following porter, appointment to take effect on Wednesday, April 25, 1923, to take the place of Jack Blocker, resigned:

James Cresey.

## HOUSE BILL NO. 70 ON SECOND READING.

On motion of Mr. Winfree, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 70, A bill to be entitled "An Act amending Article 5980, relating to bonds of navigation and canal commissioners; Article 5995, relating to contractors' bond to navigation and canal commissioners; Article 5997, relating to payments to contractors during progress of work; Title 96, Revised

Civil Statutes of Texas, 1911, so that articles shall hereafter read as herein provided; and further amending Section 11 of Chapter 30, Acts of 1921, General Laws of the State of Texas, First Called Session, Thirty-seventh Legislature, relating to navigation districts, so that said Section 11 may hereafter read as herein provided; and providing that the constitutionality of any part of this act does not invalidate the remainder; prescribing that all laws, or parts of laws in conflict herewith are repealed, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

#### HOUSE BILL NO. 70 ON THIRD READING.

Mr. Winfree moved that the constitutional rule requiring bills to be read on three several days be suspended and that house bill No. 70 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—95.

Mr. Speaker.	Gipson.
Abney.	Greer.
Amsler.	Hardin of Erath.
Arnold.	Harrington.
Atkinson.	Harris.
Baker of Milam.	Henderson
Baker of Orange.	of Marion.
Barrett.	Henderson
Beasley.	of McLennan.
Bell.	Houston.
Bonham.	Jacks.
Burmeister.	Jennings.
Cable.	Jones.
Carpenter	Kemble.
of Dallas.	Lackey.
Carpenter	Laird.
of Matagorda.	Lane.
Carter of Hays.	LeMaster.
Chitwood.	Lewis.
Coffee.	Looney.
Covey.	McDaniel.
Cowen.	McDonald.
Crawford.	McNatt.
DeBerry.	Martin.
Dodd.	Melson.
Downs.	Miller.
Driggers.	Moore.
Duffey.	Morgan
Dunlap.	of Liberty.
Dunn.	Morgan
Durham.	of Robertson.
Edwards.	Pate.
Fields.	Patman.
Finlay.	Perdue.
Fugler.	Pinkston.

Pool.	Sparkman.
Pope.	Stell.
Potter.	Stevens.
Purl.	Stewart of Jasper.
Quaid.	Stewart of Reeves.
Quinn.	Stiernberg.
Rice.	Stroder.
Robinson.	Sweet.
Rountree.	Teer.
Russell of Trinity.	Thrasher.
Sackett.	Vaughan.
Sanford.	Westbrook.
Satterwhite.	Wilmans.
Shearer.	Wilson.
Shires.	Winfree.
Simpson.	Young.
Smith.	

Nays—6.

Bryant.	Mathes.
Davis.	Rowland.
Howeth.	Wessels.

Absent.

Avis.	Maxwell.
Barker.	Merritt.
Carson.	Montgomery.
Collins.	Patterson.
Davenport.	Price.
Dinkle.	Russell
Green.	of Callahan.
Hendricks.	Stewart
Johnson.	of Edwards.
Loftin.	Wallace.
McFarlane.	Wells.

Absent—Excused.

Baldwin.	Irwin.
Bird.	Lamb.
Blount.	LeStourgeon.
Bobbitt.	Lusk.
Carter of Coke.	McBride.
Culp.	McKean.
Dielmann.	Merriman.
Faubion.	Rogers.
Frnka.	Storey.
Hardin	Strickland.
of Kaufman.	Thompson.
Hughes.	Turner.
Hull.	Williamson.

The Speaker then laid House bill No. 70 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—105.

Mr. Speaker.	Baker of Milam.
Abney.	Barrett.
Amsler.	Bell.
Arnold.	Bonham.
Atkinson.	Bryant.
Avis.	Burmeister.

Cable.	Mathes.
Carpenter	Melson.
of Dallas.	Miller.
Carpenter	Moore.
of Matagorda.	Morgan
Carter of Hays.	of Liberty.
Chitwood.	Morgan
Coffee.	of Robertson.
Covey.	Pate.
Cowen.	Patman.
Crawford.	Perdue.
Davis.	Pinkston.
DeBerry.	Pool.
Dinkle.	Pope.
Dodd.	Potter.
Downs.	Purl.
Driggers.	Quaid.
Duffey.	Quinn.
Dunlap.	Rice.
Dunn.	Robinson.
Durham.	Rountree.
Fields.	Rowland.
Finlay.	Russell of Trinity.
Fugler.	Sackett.
Gipson.	Sanford.
Greer.	Satterwhite.
Hardin of Erath.	Shearer.
Harrington.	Shires.
Harris.	Simpson.
Henderson	Smith.
of Marion.	Sparkman.
Henderson	Stell.
of McLennan.	Stevens.
Hendricks.	Stewart
Houston.	of Edwards.
Howeth.	Stewart of Jasper.
Jacks.	Stewart of Reeves.
Jennings.	Stiernberg.
Jones.	Stroder.
Kemble.	Sweet.
Lackey.	Teer.
Laird.	Thrasher.
Lane.	Vaughan.
LeMaster.	Wallace.
Lewis.	Westbrook.
Looney.	Wilmons.
McDaniel.	Wilson.
McDonald.	Winfree.
McNatt.	Young.
Martin.	

## Absent.

Baker of Orange.	McFarlane.
Barker.	Maxwell.
Beasley.	Merritt.
Carson.	Montgomery.
Collins.	Patterson.
Davenport.	Price.
Edwards.	Russell
Green.	of Callahan.
Johnson.	Wells.
Loftin.	Wessels.

## Absent—Excused.

Baldwin.	Blount.
Bird.	Bobbitt.

Carter of Coke.	LeSturgeon.
Culp.	Lusk.
Dielmann.	McBride.
Faubion.	McKean.
Frnka.	Merriman.
Hardin	Rogers.
of Kaufman.	Storey.
Hughes.	Strickland.
Hull.	Thompson.
Irwin.	Turner.
Lamb.	Williamson.

## BILLS ORDERED NOT PRINTED.

On motion of Mr. Barrett, House bills Nos. 63, 78 and 79 were ordered not printed.

## HOUSE BILL NO. 49 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 49, A bill to be entitled "An Act to amend Section 2, Chapter 23, Acts of the Thirty-sixth Legislature, Second Called Session, limiting the amount of funds to be set apart for free text-books, and declaring an emergency."

The bill was read second time.

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 49 by striking out the words and figures "one dollar and fifty cents (\$1.50)," in line 15, page 1, and insert the following: "fifty cents."

Mr. Bell raised a point of order on further consideration of the bill on the ground that the subject matter of the bill has not been submitted by the Governor.

The Speaker overruled the point of order.

On motion of Mr. Greer, further consideration of the bill was postponed until 10 o'clock a. m. next Tuesday.

## BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

S. B. No. 18, "An Act continuing the work of the State Reclamation Engineer in connection with the defense and prosecution of suits affecting the boundaries of the State of Texas; authorizing the marking of such boundaries; making an emergency appropriation of twenty thousand dollars (\$20,000) therefor, and declaring an emergency."



## SPECIAL ORDER SET.

On motion of Mr. Harris, House bill No. 49 was set as a special order for 10 o'clock a. m. next Tuesday.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, April 27, 1923.  
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 10, Condemning the cotton crop and acreage report recently made public by the United States government.

S. C. R. No. 12, Inviting Hon. Alvin M. Owsley to address a joint session of the Senate and House.

H. B. No. 6, A bill to be entitled "An Act making an emergency appropriation for the Adjutant General of this State, made necessary by emergencies arising in declaring martial law in this State, and declaring an emergency."

H. C. R. No. 4, Inviting the Hon. W. J. Bryan to address the Senate and the House.

Respectfully,  
RICHARD BLALOCK,  
Assistant Secretary of the Senate.

## RECESS.

On motion of Mr. Quaid, the House, at 11:45 o'clock a. m., took recess until 2:30 o'clock p. m. today.

## AFTERNOON SESSION.

The House met at 2:30 o'clock p. m. and was called to order by Mr. Quaid.

## COMMUNICATION FROM SPEAKER SEAGLER.

Austin, Texas, April 27, 1923.  
Mr. C. L. Phinney, Chief Clerk, House of Representatives, Austin, Texas.

Dear Sir: I hereby designate Hon. J. E. Quaid to call the House to order and preside during my absence. If he is unable to serve, I designate Hon. P. G. Henderson, and if Mr. Henderson is unable to serve, I designate Hon. Gordon Simpson.

Very truly yours,  
R. E. SEAGLER,  
Speaker.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, April 27, 1923.  
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 3, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: University of Texas, including the Medical Branch at Galveston, and the College of Mines and Metallurgy at El Paso, Agricultural and Mechanical College, State Experimental Stations, Prairie View Normal and Industrial College, John Tarleton Agricultural College, Grubbs Vocational College, Promotion of Vocational Education, College of Industrial Arts, Sam Houston State Teachers College at Huntsville, Southwest Texas State Teachers College at San Marcos, North Texas State Teachers College at Denton, West Texas State Teachers College at Canyon, East Texas State Teachers College at Commerce, Sul Ross State Teachers College at Alpine, Stephen F. Austin State Teachers College at Nacogdoches, Texas School for the Blind, and Texas School for the Deaf, for the years beginning September 1, 1923, and ending August 31, 1925, and declaring an emergency."

Respectfully,  
RICHARD BLALOCK,  
Assistant Secretary of the Senate.

## SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate bill No. 3, to the Committee on Appropriations.

## ADJOURNMENT.

On motion of Mr. Jones, the House, at 2:40 o'clock p. m., adjourned until 2 o'clock p. m. next Monday.

## APPENDIX.

## STANDING COMMITTEE REPORTS.

The following standing committees have today filed favorable reports on bills, as follows:

Oil, Gas and Mining—House bill No. 69.

Roads, Bridges and Ferries—House bills Nos. 77, 66, 67, 65, 60 and 59.

Appropriations—Senate bill No. 20.

Privileges, Suffrage and Elections—House bills Nos. 75, 71, 58, 57 and 56.

Education—House Concurrent Resolution, No. 3.

Game and Fisheries—House bills Nos. 81 and 62.

Criminal Jurisprudence—House bill No. 45.

School Districts—House bills Nos. 63, 78 and 79.

Revenue and Taxation—House bill No. 32.

The following standing committees have today filed unfavorable reports on bills, as follows:

Criminal Jurisprudence—House bill No. 50.

Revenue and Taxation—House bill No. 43.

#### REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, April 27, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 70, A bill to be entitled "An Act amending Article 5980, relating to bond of Navigation and Canal Commissioners; Article 5995, relating to contractor's bond to Navigation and Canal Commissioners; Article 5997, relating to payments to contractors during progress of work; Title 96, Revised Civil Statutes of Texas, 1911, so that said articles shall hereafter read as herein provided; and further amending Section 11 of Chapter 30, Acts of 1921, General Laws of the State of Texas, First Called Session, Thirty-seventh Legislature, relating to navigation dis-

tricts, so that said Section 11 may hereafter read as herein provided; and further amending Section 20 of Chapter 30, Acts of 1921, General Laws of the State of Texas, First Called Session, Thirty-seventh Legislature, relating to navigation districts, so that said Section 20 shall hereafter read as herein provided; and providing that unconstitutionality of any part of this act does not invalidate remainder; prescribing that all laws or parts of laws in conflict herewith are repealed, and declaring an emergency,"

And find the same correctly engrossed.

DINKLE, Chairman.

Committee Room,

Austin, Texas, April 27, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 33, A bill to be entitled "An Act making it an offense to drive an automobile or any motor driven vehicle upon the streets of any incorporated city, town or village or upon the public highways under the influence of intoxicating liquor, and declaring an emergency,"

And find the same correctly engrossed.

DINKLE, Chairman.

Committee Room,

Austin, Texas, April 27, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 34, A bill to be entitled "An Act making it a felony for any person to carry on or about his person while violating the liquor laws any weapon or arm mentioned in Article 475 of the Penal Code; prescribing the penalty, and declaring an emergency,"

And find the same correctly engrossed.

DINKLE, Chairman.

In Memory  
of  
Captain P. M. Cuny

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Mr. Winfree offered the following resolution:

Whereas, Captain P. M. Cuny, late of Houston, Texas, a member of the Twenty-seventh Legislature, departed this life on the 25th day of April, 1923;

Whereas, As a public servant and a private citizen he rendered unto his State the services of an earnest, able and patriotic citizen; and in public and private life exemplified and displayed those traits of character that gave him a place among the chivalrous sons of the South, and won for him the love, esteem and respect of all those who knew him; therefore, be it

Resolved, That the members of this House extend to his bereaved relatives and friends their most heartfelt sympathy; and be it further

Resolved, That a page of the Journal of the House be set apart and dedicated to his memory, and that an enrolled copy of this resolution be sent to the family of the deceased.

WINFREE,  
ROUNTREE.

The resolution was read second time and was adopted unanimously.